IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE TWENTY NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

And
THE HON'BLE MR JUSTICE G.CHANDRAIAH

WRIT APPEAL NO : 329 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 22/11/2004 in WP NO : 3453 OF 2000 on the file of the High Court.)

Between:

1 APSRTC, Rep by its Managing Director, Musheerabad, Hyderabad.
2 The Regional Manager, APSRTC, Srikakulam.

..... APPELLANTS

AND

1 The State Transport Appellate Tribunal, Manoranjan Complex, M.J. Road, Nampally, A.P. Hyderabad - 500 001. rep by its Presiding Officer,
2 The Regional Transport Authority, Srikakulam District, Rep by its Secretary.
3 Smt. B. Mahalaxmi, W/o. Satyam, Bus Owner,
Main Road, Palakonda (Post and Mandal), Srikakulam District.

.....RESPONDENTS

Counsel for the Appellants : MR.KALLAKURI SRINIVASARAO (SC FOR APSRTC)

Counsel for the Respondents No.1 & 2 : GP FOR TRANSPORT

Counsel for the Respondent No.3 : SMT.M.VINOBHA DEVI

The Court made the following :

JUDGMENT : (Per Hon'ble Sri Bilal Nazki, ACJ)

This appeal is directed against an order passed by the learned Single Judge in writ petition No.3453 of 2000. The writ petition was filed against the order dated 23.11.1999 in A.P.No.116 of 1999 passed by the Appellate Tribunal. The learned Standing Counsel for the petitioners admitted before the learned Single Judge that no amendment had been notified to the scheme in G.O.Ms.No.1126 dated 09.11.1987. The learned Single Judge also found that the order impugned before him was in conformity with G.O.Ms.No.1126 dated 09.11.1987.

There was some controversy with regard to the distance as to whether it was 9.4 kilometres or 7 kilometres. The fact was that as on the date the learned Single Judge decided the matter, no amendment had been carried in the notified scheme. The learned Counsel for the appellants submit that in another case, a learned Single Judge of this Court directed amendment in the scheme in view of the fact that the distance was not 7 kilometres, but 9.4 kilometres. This Court is not concerned with as to what is the actual distance. This Court is only concerned with as to what is the published scheme. As far as the scheme was concerned, the relevant distance was only 7 kilometres. Therefore, no fault can be found with the judgment of the learned Single Judge.

For these reasons, the appeal is dismissed. No order as to costs.

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BILAL NAZKI, ACJ

29th June 2005.

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G. CHANDRAIAH, J

ajr

……REGISTRAR

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SECTION OFFICER

To

1. The Managing Director, APSRTC, Musheerabad, Hyderabad.
2. The Regional Manager, APSRTC, Srikakulam.

3 The Presiding Officer, State Transport Appellate Tribunal, Manoranjan Complex, M.J. Road, Nampally, A.P. Hyderabad - 500 001.

4 The Regional Transport Authority, Srikakulam District, Rep by its Secretary.

5 Two C.Cs. to G.P. for Transport, High Court buildings, Hyderabad.(O.U.T)

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